

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

GIRAFA.COM, INC.,)	
)	
Plaintiff,)	
)	
v.)	Civ. No. 07-787-SLR
)	
SMARTDEVIL INC.,)	
)	
Defendant.)	

ORDER

At Wilmington this ^{4th} day of August, 2010, consistent with the memorandum opinion issued this same date; and because the only way for this case to be resolved on the merits is to have defendant Smartdevil Inc. respond to the complaint;

IT IS ORDERED that the motion to set aside the entry of a default in appearance filed by defendant Smartdevil Inc. (D.I. 463) is granted, and the motion for entry of a default judgment filed by plaintiff Girafa.com, Inc. (D.I. 451) is denied, if the following condition is met: On or before **September 15, 2010**, defendant Smartdevil Inc. shall file an answer or otherwise respond to the complaint. Defendant shall do so through retained counsel.¹

1. If defendant cannot afford counsel in the United States, the court shall allow defendant to retain Canadian counsel and to allow said counsel to proceed without the benefit of Delaware counsel.

2. Alternatively, if defendant cannot afford counsel at all, upon the filing of an affidavit to that effect (sworn to under penalty of perjury) on or before **September**

¹*Van de Berg v. C.I.R.*, 175 Fed. Appx. 539, 541 (3d Cir. 2006).

15, 2010, the court shall refer this case to the Federal Civil Panel to find volunteer counsel.

IT IS FURTHER ORDERED that failure of defendant to timely comply with this order shall result in the denial of its motion to set aside the entry of a default in appearance and the granting of the motion for entry of a default judgment.



United States District Judge